

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PAUL POGUE and	)	
PAUL POGUE, in his capacity as owner of	)	
SURVEYORS' PARK,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NUMBER
v.	)	
	)	2:-06-cv-148-MHT
TONY CHANDLER, et al.,	)	
	)	
Defendants.	)	

MOTION TO STRIKE

Defendants Tony Chandler and Danny Clark through their counsel, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure,<sup>1</sup> hereby respectfully move this Honorable Court to strike as party-plaintiff "Paul Pogue, in his capacity as owner of Surveyors' Park." As grounds therefor, it is stated that Paul Pogue already appears in the Complaint as the plaintiff and there is no legal distinction between the plaintiff (who must prove any losses or any entitlement to injunctive relief to which he may be entitled as an individual) and the plaintiff as the owner of certain real or personal property for purposes of the plaintiff's individual recovery. In addition, to

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<sup>1</sup> "Upon motion made by a party... or upon the court's own initiative at any time, the court may order stricken from any pleading... any redundant, immaterial, impertinent, or scandalous matter." F.R.Civ.Pro. R. 21.

the extent that the Complaint may be interpreted to imply that Surveyors' Park may be some legal entity with the capacity to sue for relief in its own right, upon information and belief the plaintiff is not a licensed attorney and therefore may not permissibly represent Surveyors' Park in legal proceedings. *See Palazzo v. Gulf Oil Corporation*, 764 F.2d 1381, 1385-86 (11<sup>th</sup> Cir. 1985) (General rule that corporations must be represented by licensed counsel in judicial actions also held to bar suit by pro se individual asserting that corporation assigned corporate claims to him). Thus, the presence of "Paul Pogue as owner of Surveyors' Park" as a party-plaintiff in the case at bar is at best immaterial and redundant and at worst a deliberate obfuscation of parties and claims to be litigated.

Wherefore, Defendants Chandler and Clark respectfully move that the entity "Paul Pogue as owner of Surveyors' Park" be stricken as a party-plaintiff.

Respectfully submitted,

TROY KING  
ATTORNEY GENERAL BY:

s/Winfield J. Sinclair

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Attorneys for defendants  
Chandler and Clark

CERTIFICATE OF SERVICE

This is to certify that on the 4th day of April, 2006, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, and that a copy of the same has been sent by First Class Mail to the plaintiff:

Paul Pogue, pro se  
301 Kahn Street  
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and to the attorney for Sandy G. Robinson

Hon. Christopher Weller  
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s/Charles T. Conway  
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